

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JOHNNIE D. COOK,	:	Case No. 1:17-cv-532
Plaintiff,	:	Judge Timothy S. Black
v.	:	Magistrate Judge Stephanie K. Bowman
	:	
RYAN WOODARD, <i>et al.</i> ,	:	
Defendants.	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 15)**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on November 30, 2017, submitted a Report and Recommendation. (Doc. 15). No objections were filed.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendation should be and is hereby adopted in its entirety.

Accordingly, **IT IS ORDERED** as follows:

- 1) Plaintiff's amended complaint (Doc. 10) is **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. §§1915(e)(2)(B) and 1915A(b)(1), with the exception of the following claims, which may proceed: Plaintiff's Eighth Amendment claim of excessive force against defendant Ryan Woodard, as stated in the original complaint, and Plaintiff's retaliation claim against defendant Cool, as stated in the amended complaint.
See 28 U.S.C. §§ 1915(e)(2)(B) & 1915A(b).

2) Defendant's motion to dismiss the amended complaint as to Defendant Woodard (Doc. 11) is **DENIED**.

IT IS SO ORDERED.

Date: 3/1/18

s/ Timothy S. Black
Timothy S. Black
United States District Judge